

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

Cuppett Performing Arts Center, Inc. Case no. 23-11535-BFK

Debtor

Chapter 11

ORDER CONFIRMING PLAN

IT APPEARING that the debtor filed its second amended plan of reorganization on May 30, 2024 (the “Plan”); and it further

APPEARING that the debtor provided proper notice of the plan to all creditors and parties in interest as required; and it further

APPEARING that a contested hearing took place on June 25, 2024 on the plan, and that the plan was confirmed over the objections of the United States Trustee Office (USTO) for the reasons stated from the bench, it is hereby

ORDERED that the plan filed by the debtor on May 30, 2024 is hereby confirmed. And it is further

ORDERED that Jolene Wee (the “Trustee”) will serve as the post-confirmation subchapter V trustee and disbursing agent under the plan; and it is further

ORDERED that the Trustee will be funded monthly by the debtor’s cash flow as shown in the Plan and attached Exhibit A, plan payment and distribution schedule, and that the Trustee will make both monthly and quarterly payments as

necessary and provided for in the Plan and as reflected in the attached Exhibit A, and that the debtor will be responsible for wiring monthly payments to the Trustee's bank account **no later than the last day of each month** as reflected in the attached Exhibit A; and it is further

ORDERED that the allowed administrative expense claims shall be paid by the debtor upon the approval of the bankruptcy court of the fee applications filed by the Trustee and counsel for debtor; and it is further

ORDERED that the Trustee's post-confirmation role and responsibilities are as follows:

1. The Trustee shall be responsible for making monthly payments to Credibly, a secured creditor as laid out in the confirmed Plan and attached Exhibit A.
2. The Trustee shall be responsible for making quarterly pro rata distribution of to all unsecured creditors (whether they filed a claim or not) as articulated in the confirmed Plan and attached Exhibit A.
3. The Trustee shall make a payment in the full amount of all priority debt per the terms of the Plan and attached Exhibit A.
4. The Trustee will not be held responsible for locating claim holders and that it is the responsibility of the holder of the claim whose address changes to notify the Trustee of such change.
5. In the event a distribution is unclaimed within 180 days after the distribution

is made, such distribution will become property of the reorganized debtor, and no further distribution will be made to such claim holder until such claim holder advises the Trustee of its correct information.

6. The Trustee will be paid a monthly fixed fee of \$1,500 for the first four months, followed by a quarterly fixed fee of \$1,500 in order to serve as a disbursing agent on behalf of the debtor without further need for court approval of her fees and expenses, and that such monthly fixed fees are due when monthly plan payments are due to the Trustee, and to be paid to the Trustee by debtor at such time as laid out in the attached Exhibit A. Failure to pay the Trustee her monthly fixed fee shall constitute as a default under the Plan.
7. If the debtor makes timely payments to the Trustee, the Trustee will make plan distributions to claim holders within 30 days of receipt and file a notice of distribution with the court within 7 days of when distributions were made.
8. If the debtor fails to make plan payments to the Trustee, which is **due by the last day of every month under the Plan**, the Trustee will file a notice of default with the bankruptcy court notifying the parties in interest of the default within 15 days of when the default occurred; and it is further ORDERED that the debtor shall have 30 days from the date of when a notice of default is filed to file a response notifying the bankruptcy court as to how it

intends to cure the default, and if the debtor fails to file a response by that time, the court may order that the debtor be converted to a chapter 7 case.

ORDERED that in the event of any inconsistency between the Plan and this order, the terms and provision of this order shall fully govern.

Date: Aug 5 2024

/s/ Brian F Kenney
Hon. Brian F. Kenney
United States Bankruptcy Judge

Entered on Docket: Aug 5 2024

I ask for this:

/s/Robert S. Brandt,
The Law Office of Robert S. Brandt
600 Cameron Street
Alexandria, VA 22314
(703) 342-7330
brandt@brandtlawfirm.com
Counsel for debtor

Seen:

/s/Jolene E. Wee
Jolene E. Wee
JW Infinity Consulting, LLC
447 Broadway 2nd floor, #502
Manhattan, NY 10013
Subchapter V Trustee

/s/Jack Frankel

Office of the United States Trustee
1725 Duke Street
Suite 650
Alexandria, VA 22314
Assistant United States Trustee

LOCAL BANKRUPTCY RULE 9022-1(C) CERTIFICATION

I hereby certify, under Local Rule 9022-1(C), that the foregoing proposed Order has been endorsed by and / or served upon all necessary parties.

/s/Robert S. Brandt

CUPPETT PERFORMING ARTS CENTER, INC.
Case No. 23-11535-BFK
Exhibit A - Plan Payment and Distribution Schedule
Plan Effective Date: August 1, 2024

Distributions as of Effective Date

Creditor / Professional	Class	Timing	Paid by	Total claim	Effective Date	
					8/1/2024	
Credibly of Arizona LLC	Secured	Monthly	Trustee	\$ 136,606.00	\$ 2,276.77	
Internal Revenue Service	Priority	Paid in full as of Effective Date	Trustee	\$ 6,607.47	\$ 6,607.47	
Counsel for the debtor	Administrative	Paid in full as of Effective Date subject to Court approval of fee application	Debtor	\$ 7,000.00	\$ 7,000.00 (estimated)	
Subchapter V trustee	Administrative	Paid in full as of Effective Date subject to Court approval of fee application	Debtor	\$ 12,703.97	\$ 12,703.97	
				TOTAL	\$ 28,588.21	

Plan Effective Date: August 1, 2024

[illegible]

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[illegible]

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[illegible]

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Plan Payments from Debtor to Trustee

	Effective Date								
Month #	1	2	3	4	5	6	7	8	9
Month	8/1/2024	9/1/2024	10/1/2024	11/1/2024	12/1/2024	1/1/2025	2/1/2025	3/1/2025	4/1/2025
Plan Payment	\$ 8,884.24	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77	\$ 2,276.77
Disbursing Agent Fees	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00	\$ -	\$ -
Payment from Debtor to Trustee	\$ 10,384.24	\$ 3,776.77	\$ 3,776.77	\$ 12,776.77	\$ 2,276.77	\$ 2,276.77	\$ 12,776.77	\$ 2,276.77	\$ 2,276.77

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Month #	10	11	12	13	14	15	16	17	18	19
Month	5/1/2025	6/1/2025	7/1/2025	8/1/2025	9/1/2025	10/1/2025	11/1/2025	12/1/2025	1/1/2026	2/1/2026
Plan Payment	\$11,276.77	\$ 2,276.77	\$ 2,276.77	\$11,276.77	\$ 2,276.77	\$ 2,276.77	\$11,276.77	\$ 2,276.77	\$ 2,276.77	\$11,276.77
Disbursing Agent Fees	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00
Payment from Debtor to Trustee	\$12,776.77	\$ 2,276.77	\$ 2,276.77	\$12,776.77	\$ 2,276.77	\$ 2,276.77	\$12,776.77	\$ 2,276.77	\$ 2,276.77	\$12,776.77

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Month #	20	21	22	23	24	25	26	27	28	29
Month	3/1/2026	4/1/2026	5/1/2026	6/1/2026	7/1/2026	8/1/2026	9/1/2026	10/1/2026	11/1/2026	12/1/2026
Plan Payment	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77
Disbursing Agent Fees	\$ -	\$ -	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00	\$ -
Payment from Debtor to Trustee	\$ 2,276.77	\$ 2,276.77	\$ 12,776.77	\$ 2,276.77	\$ 2,276.77	\$ 12,776.77	\$ 2,276.77	\$ 2,276.77	\$ 12,776.77	\$ 2,276.77

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Month #	30	31	32	33	34	35	36	37	38	39
Month	1/1/2027	2/1/2027	3/1/2027	4/1/2027	5/1/2027	6/1/2027	7/1/2027	8/1/2027	9/1/2027	10/1/2027
Plan Payment	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77	\$ 2,276.77
Disbursing Agent Fees	\$ -	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00	\$ -	\$ -
Payment from Debtor to Trustee	\$ 2,276.77	\$ 12,776.77	\$ 2,276.77	\$ 2,276.77	\$ 12,776.77	\$ 2,276.77	\$ 2,276.77	\$ 12,776.77	\$ 2,276.77	\$ 2,276.77

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Month #	40	41	42	43	44	45	46	47	48	49
Month	11/1/2027	12/1/2027	1/1/2028	2/1/2028	3/1/2028	4/1/2028	5/1/2028	6/1/2028	7/1/2028	8/1/2028
Plan Payment	\$ 11,276.77	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77
Disbursing Agent Fees	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00
Payment from Debtor to Trustee	\$ 12,776.77	\$ 2,276.77	\$ 2,276.77	\$ 12,776.77	\$ 2,276.77	\$ 2,276.77	\$ 12,776.77	\$ 2,276.77	\$ 2,276.77	\$ 12,776.77

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Plan Payments from Debtor to Trustee

Month #	50	51	52	53	54	55	56	57	58	59
Month	9/1/2028	10/1/2028	11/1/2028	12/1/2028	1/1/2029	2/1/2029	3/1/2029	4/1/2029	5/1/2029	6/1/2029
Plan Payment	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77	\$ 2,276.77	\$ 11,276.77	\$ 2,276.77
Disbursing Agent Fees	\$ -	\$ -	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00	\$ -
Payment from Debtor to Trustee	\$ 2,276.77	\$ 2,276.77	\$ 12,776.77	\$ 2,276.77	\$ 2,276.77	\$ 12,776.77	\$ 2,276.77	\$ 2,276.77	\$ 12,776.77	\$ 2,276.77

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Plan Payments from Debtor to Trustee

Month #	60	61	
Month	7/1/2029	8/1/2029	TOTAL
Plan Payment	\$ 2,276.77	\$ 9,000.00	\$323,213.47
Disbursing Agent Fees	\$ -	\$ 1,500.00	\$ 34,500.00
Payment from Debtor to Trustee	\$ 2,276.77	\$ 10,500.00	\$357,713.47